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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

A.M., an individual,)	Case No. 3:21-cv-01674-MO
)	
Plaintiff,)	PLAINTIFF’S NOTICE OF
)	SUPPLEMENTAL AUTHORITY RE:
v.)	PLAINTIFF’S OPPOSITION TO
)	DEFENDANT’S MOTION TO DISMISS
OMEGLE.COM LLC,)	PLAINTIFF’S SECOND AMENDED
)	COMPLAINT
Defendant.)	
)	

Plaintiff A.M. respectfully submits the decision issued by the Circuit Court of the Fifteenth Judicial Circuit in Palm Beach County, Florida on September 30, 2022, in the case of *Brookes v. Lyft Inc.*, Case No. 50 2019-CA-004782-XXXX-MB, Dkt. 403 (Fla.Cir.Ct. Sep. 20, 2022) – a copy of which is attached hereto as **Appendix A** – as supplemental authority in support of Plaintiff’s Opposition to Defendant’s Motion to Dismiss Plaintiff’s Second Amended Complaint (Dkt. 50), and specifically Plaintiff’s product liability claims.

The *Brookes* decision discusses, in relevant part, (1) that the Lyft application is a “product”

for purposes of Florida product liability law where Florida law – like Oregon law – does not define “product,” (2) that Lyft was responsible for placing the Lyft application in the stream of commerce and had the ability to control any risk of harm the design of the Lyft application might cause once put into the stream of commerce, (3) that the definition of “product” should be fluid to accommodate development in technology and is not susceptible to a “crabbed” definition, and (4) that Lyft cannot credibly argue that it is insulated from product liability claims of negligence and defective design because it uses its own product to provide a service. *Brookes*, 2022 Fla.Cir.Ct. 2019CA004782, Dkt. 403. These points are relevant to arguments made in Plaintiff’s Opposition to Defendant’s Motion to Dismiss with respect to Plaintiff’s product liability claims. (See Dkt. 50.)

Dated: December 5, 2022.

Respectfully submitted,

/s/ Barbara Long

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APPENDIX A

PLAINTIFF'S NOTICE OF SUPP.
AUTHORITY RE: OPP.
TO MOTION TO DISMISS